



Legislative Bulletin.....July 30, 2007

Contents:

H.R. 986 — Eightmile Wild and Scenic River Act

Summary of the Bills Under Consideration Today:

Total Number of New Government Programs: 0

Total Cost of Discretionary Authorizations: 0

Effect on Revenue: 0

Total Change in Mandatory Spending: 0

Total New State & Local Government Mandates: 0

Total New Private Sector Mandates: 0

Number of Bills Without Committee Reports: 1

H.R. 986 — Eightmile Wild and Scenic River Act (*Courtney, D-CT*)

Order of Business: The bill is scheduled to be considered on Monday, July 30, 2007, subject to a closed rule ([H.Res. 580](#)).

Note: The House considered H.R. 986 on July 11, 2007, on the suspension calendar. However, the bill failed by a vote of [239-173](#).

Summary: H.R. 986 would designate a 25 mile stretch of the Eightmile Wild River, in south-central Connecticut, as a part of the Nation Park System's National Wild and Scenic Rivers System, to be administered by the Secretary of Interior. The bill would allow the Secretary to

enter into planning and management agreements with state and local authorities to administer the scenic area, and would authorize such sums as would be necessary for this purpose.

Additional Information: According to a briefing paper, written by the Republican staff on the Subcommittee on National Parks, Forest and Public Lands:

The Wild and Scenic Rivers Act was established in 1968 to impede the progress of dam construction. The act puts a freeze on the condition of land at the time of enactment by requiring that the designated river 'be preserved in free-flowing condition, and they and their immediate environments shall be protected.' The National Park Service (NPS) then has the authority to prohibit projects on any federal lands in the designation and is required to work on local zoning policy to further restrict land use on private land. The NPS also has the authority to purchase land and easements. It may purchase up to 100 acres per mile of designated river, but is not limited in the amount of easements they may purchase. If the NPS is unable to reach an agreement on price, there exists authority to condemn private land, if the NPS concludes that the land is necessary to protect 'resource values'.

In its current form, the bill places new burdens on property owners, which limits what they can do with their property, and provides no compensation. During the subcommittee markup, an amendment was offered that would have strictly prohibited the NPS from obtaining land through condemnation, but allowing for the Park Service to purchase or accept donated land. This amendment was defeated on a party-line vote, and due to the fact that the bill will be considered under suspension of the rules, members will be unable to offer any further amendments on the floor. In light of these facts, a letter in opposition to the bill was drafted and signed by all 14 Republican members of the subcommittee.

According to findings listed in the bill and a committee report for a similar Senate bill (S. 553, Senate Report 110 – 094), the Eightmile Wild and Scenic River Study Act of 2001 authorized a study of the Eightmile River for potential inclusion in Nation Scenic River System. The study was since conducted and it was recommended that the area be designated as a National Wild and Scenic Rivers System.

RSC Bonus Fact: The Eightmile Wild and Scenic River System is located in the same Congressional district where the historic property rights case *Kelo v. City of New London* originated.

Possible Conservative Concerns: Some conservatives may be concerned that the bill falls short in preserving and protecting private property rights and that it limits what property owners can do with their land while providing no compensation. Additionally, some conservatives may be concerned that there will be no opportunity to address these problems on the House floor because the bill is being considered under a closed rule, prohibiting amendments.

Committee Action: H.R. 986 was introduced on February 15, 2007, and referred to the Committee on Financial Services. On April 11, 2007, the bill was referred to the Subcommittee on Capital Markets, Insurance and Government Sponsored Enterprises, which took no official action.

Cost to Taxpayers: According to CBO, “the proposed designation would not significantly affect the agency’s administrative or land-management costs, which are subject to appropriation.”

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Constitutional Authority: A committee report citing constitutional authority is unavailable. House Rule XIII, Section 3(d)(1), requires that all committee reports contain “a statement citing the *specific* powers granted to Congress in the Constitution to enact the law proposed by the bill or joint resolution.” *[emphasis added]*

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